

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 20-mj-662 (TNL)

UNITED STATES OF AMERICA,

Plaintiff,

ORDER OF DETENTION

v.

JOSHUA BRANDON COCHRAN,

Defendant.

This matter came before the Court on September 8, 2020, for a preliminary hearing and a hearing on the Government's motion for detention. Mr. Cochran appeared and was represented by his attorney, Tom Shiah. The United States was represented by Assistant United States Attorney, Ruth Shnider.

The hearing was conducted by video-conference with the consent of the defendant and all counsel of record, pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and the General Orders of this District related to the COVID-19 pandemic. Mr. Cochran appeared from Sherburne County Jail by video-conference and gave his consent on the record to conduct the hearing by video-conference.

The Court had before it the bond report prepared by the Pretrial Services Office and the Complaint in this matter. At the hearing, Mr. Cochran waived a hearing on the issue of probable cause. Based on that waiver, and the facts set forth in the Complaint affidavit, the Court found that there is probable cause to believe that Mr. Cochran committed the charged offense and bound the case over for further proceedings.

On the issue of detention, Mr. Cochran waived a detention hearing at the present time, reserving the right to move to reopen detention based on changed circumstances in the future.

FINDINGS OF FACT

Mr. Cochran is presently charged by Complaint with conspiracy to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846. This charge carries with it a mandatory minimum penalty of ten years imprisonment and also triggers the rebuttable presumption of detention pursuant to Title 18, United States Code, Section 3142.

According to the bond report, Mr. Cochran's criminal history includes past felony convictions for first degree drug sale and fourth degree possession with intent to distribute. Mr. Cochran is currently on probation in Hennepin County (where he has violations pending), and also has a pending felony case for first degree drug sale in Anoka County.

DISCUSSION

Under 18 U.S.C. § 3142, pretrial detention may be ordered either upon a clear and convincing showing that release will result in a danger to the community or upon a showing by a preponderance of the evidence that release will result in a serious risk of flight. *United States v. Abad*, 350 F.3d 793, 797 (8th Cir. 2003); *United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986).

In light of Mr. Cochran's waiver, the rebuttable presumption of detention, and the factual findings above, the Court finds that there is no condition or combination of conditions that will reasonably assure Mr. Cochran's appearance as required for future

proceedings or the safety of the community if Mr. Cochran were released pending the resolution of the criminal charges against him. Accordingly, the Court will order him detained. If in the future Mr. Cochran would like to reopen the issue of detention based on changed circumstances, he may file an appropriate motion with the Court.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of Mr. Cochran is granted;
2. Mr. Cochran is committed to the custody of the United States Marshals for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Mr. Cochran shall be afforded reasonable opportunity to consult privately with his lawyer; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which Mr. Cochran is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: September 9, 2020

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge